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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,731	12/19/2001	Jouni Kamarainen	4208-4050	4440
27123	7590	06/26/2008		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER BAIG, SAHAR A	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 06/26/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/024,731	<b>Applicant(s)</b> KAMARAINEN ET AL.	
	<b>Examiner</b> SAHAR A. BAIG	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/13/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 21, and 41 rejected under 35 U.S.C. 102(b) as being anticipated by Zellner et al. (U.S. Patent No. 6,026,289).

Regarding Claim 1 and 21, Zellner discloses a method of providing broadcast service to a plurality of users, comprising: hosting a first user and a second user (26 and 28); transmitting broadcast service to said first user; receiving a

broadcast request from said second user (step 204), said broadcast request requesting said broadcast service and transmitting said broadcast service to said second user **[Col. 2 lines 11-16]**.

Regarding Claim 41, Zellner discloses a wireless device comprising **Figure 1**: a communication unit **24** configured to communicate with a second communication device **[26 & 28]**, said means communication unit configured to support multimedia applications and configured to engage in high-speed data transfer **[Col. 3 lines 17-20]**; and a memory unit **20**; a receiver configured to receive stationary and portable reception of broadcast and data services **[Col. 3 lines 11-13]**; and a processor in communication with said communication unit, said memory unit and said receiver, said processor configured to: receive a notification from said second communication device regarding availability of a broadcast service being transmitted to said second communication device; and request the broadcast service from a broadcast service provider, wherein said communication unit and said of broadcast and data services receiver are operational concurrently **[Col. 2 lines 11-16]**.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-9, 11, 13-17, 22-28, and 35-37, rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner et al. (U.S. Patent No. 6,026,289) in view of DeWeese et al (U.S. Patent Publication No. 2005/0262542).

Regarding Claim 2, 3, 13, 22, 23, 33, and 37, Zellner fails to disclose a method further comprising receiving a notification request from said first user after said transmitting of broadcast service to said first user, said notification request comprising: information regarding said broadcast service being transmitted to said first user; and identification information of said second user for notifying said second user regarding said broadcast service being transmitted to said first user. In an analogous art, DeWeese discloses a television chat system wherein the user enters identification data **Figure 8 [0131** *The user is able to send a chat request to all other users currently watching the same television show that the user is tuned into. Thus the broadcast and identification information of the first user is utilized in order to inform other users of the chat room availability*].

Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Zellner and DeWeese to provide broadcast service to a plurality of users.

Regarding Claim 4, 11, and 24, DeWeese discloses a method wherein said broadcast services are transmitted to said second user via a session initiation

protocol server. **[0011** *Since the disclosed invention makes use of the Internet it is obvious that the protocol mentioned is used.*]

Regarding Claim 5 and 25, DeWeese discloses a method further comprising providing voice communication between said first user and said second user, said voice communication being simultaneous with said transmission of broadcast service to said second user. **[0105 Figure 10** *describes voice communication as being part of the television chat program.*]

Regarding Claim 6, 7, 8, 9, 14, 16, 26, 27, 28, 34, and 36 DeWeese discloses a method wherein said first user receives broadcast service on a first wireless device. **[0071** *Communications network 86 may be any suitable communications network such as the Internet, a public or private telephone network, a network involving satellite or wireless links, cable network, etc. A laptop is one example of a wireless device that may be used.*]

Regarding Claim 15, 17, and 35, DeWeese discloses a method of receiving a notification regarding the availability of a broadcast service from a first user of the telecommunication network **[0131** *The user is able to send a chat request to all other users currently watching the same television show that the user is tuned into. Thus the broadcast and identification information of the first user is utilized in order to inform other users of the chat room availability*]; requesting the

broadcast service from a broadcast service provider; and receiving requested broadcast service from said broadcast service provider, wherein a simultaneous connection is maintained with said first user while obtaining the broadcast services, said simultaneous connection being used to transmit voice there between. **[0014** *The system allows real-time communications in a chat group to be transmitted between users at user television equipment devices via a server. A cable system headend containing a server may transmit such communications over coaxial cables that also carry television signals or other such communications paths.*]

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 10, 12, 18, 19, 20, 29, 30, 31, 32, 33, 34, 38, 39, and 40, rejected under 35 U.S.C. 103(a) as being unpatentable over Zellner et al. (U.S. Patent No. 6,026,289) in view of DeWeese et al (U.S. Patent Publication No. 2005/0262542) in further view of Aaltonen (U.S. Patent Publication No. 2001/0005182).

Regarding Claim 10, 18, 29, 30, 31, and 38, the combined teachings of Zellner and DeWeese discloses all the claimed limitations, including broadcasting services transmitted to said second user via a session initiation protocol server.

**[0011]** *Since the disclosed invention makes use of the Internet it is inherent that the protocol mentioned is used.* However DeWeese fails to teach the ability to receive Digital Video Broadcasting-Terrestrial signals. In an analogous art, Aaltonen discloses the mobile reception of the known DVB-T (Digital Video Broadcasting Terrestrial Signal). There have been defined two transmission standards within DVB-T, known as the 2 k and 8 k standards. Both are based on OFDM or Orthogonal Frequency Division Multiplexing, where the bits of a digital transmission signal are distributed onto a number of parallel orthogonal carriers. The 2 k standard involves 2048 orthogonal carriers with the mutual spacing of 4464 Hz and the 8 k standard involves 8192 carriers at a spacing of 1116 Hz **[0004]**. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Zellner, DeWeese and Aaltonen to provide a wireless system capable of receiving Digital Video Broadcasting-Terrestrial signals.

Regarding Claim 12, 19, 20, 32, 39 and 40, the combined methods of Zellner, DeWeese and Aaltonen disclose a method for transmitting broadcast to a plurality of users wherein the users are able to communicate simultaneously. In particular, DeWeese discloses a method further comprising receiving download information regarding the requested broadcast service from said broadcast service provider before said receiving of the requested broadcast service which is in audio-visual format. **[0007]**.



Regarding Claim 33 and 34, the combined methods of DeWeese and Aaltonen disclose a method for transmitting broadcast to a plurality of users wherein the users are able to communicate simultaneously. In particular, DeWeese discloses a method wherein said processor is further configured for receiving broadcast services from at least one broadcaster and internet service provider connected therewith. **[0071** *Communications network 86 may be any suitable communications network such as the Internet, a public or private telephone network, a network involving satellite or wireless links, cable network, etc. A laptop is one example of a wireless device that may be used.*]

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623

SB